

REMARKS

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Published Patent No. 2003/0,161,901 (“West”); under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,403,086 (“Yegorava”); and under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,405,948 (“Hahn”). Accordingly, Applicant respectfully has amended the claim set, supra, to include claim limitations not taught or suggested in the art cited.

The prior art cited does not teach each and every element as set forth in the amended claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegall Bros. v. Union Oil Co. of California, 814 F. 2d 628, 631 (Fed. Cir. 1987). The composition claims of the present invention have been amended to include the claim limitation “a fertilizer comprising...processed Yaeyama Aoki juice and processed Yaeyama Aoki pulp, wherein said Yaeyama Aoki produce is diluted by a factor of 2 – 10,000 times in weight with water.” The prior art cited does not teach the use of Yaeyama Aoki juice and pulp as a fertilizer after being diluted by a factor of 2 – 10,000 times in weight with water.

West does not teach a *Morinda citrifolia* product that has been diluted by a factor of 2-10,000 times in weight with water. Rather, West discloses the use of a fruit juice and pulp mixture with water having a moisture content of 0.1 to 80%. Because the amended claims are outside of the range disclosed by West, they are not anticipated by the teachings of West.

Yegorova does not teach the combination of *Morinda citrifolia* juice and pulp diluted by a factor of 2-10,000 times. Rather, Yegorova teaches a first extract of *Morinda citrifolia* in water in a ratio of 1:4 fruit to water. Because the present invention claimed a composition comprising juice and pulp diluted by a factor of 2 – 10,000 times, Yegorova does not teach all of the claim limitations of the presently claimed invention. Accordingly, Yegorova does not anticipate the claims as amended.

Hahn does not teach the combination of juice and pulp diluted by a factor of 2-10,000 times. Rather, Hahn teaches extracting plant matter such as from *Morinda Citrifolia* fruit in water, and teaches a 30% water extract of Noni fruit. Hahn fails to disclose the combination of juice and pulp. Further, Hahn fails to disclose the claimed dilution range. Accordingly, Hahn does not anticipate the claims as amended.

The new composition claims of the present invention likewise contain claim limitations not taught by the prior art. The new method claims of the present invention include claim limitations not taught by any of the art cited. In particular, none of the cited art teach exposing a plant to fertilizer. The dependent claims of the presently amended claim set place further limitations on what is otherwise argued allowable subject matter. Therefore, Applicant respectfully submits that these claims stand in a condition for allowance.

Based on the foregoing, Applicant respectfully submits that the art cited does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

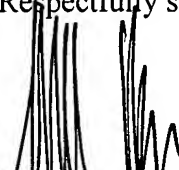
CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art references cited by the Examiner. As such, Applicant believes that the claims are now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 29th day of March, 2005.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple Street
Salt Lake City, Utah 84111
(801) 328-3600 telephone
(801) 321-4893 facsimile

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